

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

Although the Notification of Acceptance in this PCT Nation Phase application indicates that the U.S. Patent and Trademark Office received the International Search Report and copies of all reference cited therein, it is noted not all such references have yet been entered on a Formal PTO-892 or PTO-1449 so that they would be published as considered documents. Accordingly, a copy of the International Search Report as well as a PTO-1449 identifying all of the references not yet officially of record as "considered" is attached. Based on the Notice of Acceptance, it is assumed that a copy of such references is already available to the Examiner. If not, then the Examiner is respectfully requested to telephone the undersigned for a duplicate copy of same.

Under the circumstances, since all such references were already supplied to the U.S. Patent and Trademark Office for consideration long ago, it is not believed that any additional Information Disclosure Statement fee should be required for this stage of prosecution. However, if such is required, then authority is hereby given to charge such fee to our Account No. 14-1140.

In response to the objections to claims 1 and 7, these claims have been amended above so as to obviate all such outstanding objections.

The new ground for rejection for all claims 1-26 under 35 U.S.C. § 112, first paragraph, is respectfully traversed.

The only basis for this new ground of rejection noted in the action is an alleged failure to have included a "written description" of the subject matter now at issue in claims 1 and 10:

- "operable to measure the time taken for the user to review and/or respond to a communication" (Claim 1, lines 10-11);
- "observing time taken for the use to respond to the communication" (Claim 10, lines 8-9).

The Examiner states that he was unable to find any support for these recitations at pages 38-49. However, the Examiner is now referred more specifically to page 40, lines 1-3 in the description of "history data 1609..." and to the more detailed description of such history data starting at page 43, line 30 continuing through page 45, line 21. Reference may also be had to Figures 16-19. For example, step 19.1 in Figure 19 specifically recites a step of analyzing the time of reading previously received emails from individual addresses followed by step 19.2 of determining whether or not the email was read within less than a given time followed by subsequent ranking/weighting steps as explicitly shown in Figure 19. Figure 16 specifically notes that one of the inputs to the Bayes net arrangement 1601 is history data concerning (a) a users reading of emails and (b) a users sending of emails. As described at page 43-45, the history data 1609 derived from previous emails includes information "relating to the time taken for the user to read or respond to incoming emails "with specific reference to Figure 17a and 17c. As therein described, if an email is read quickly after receipt, this indicates that the user considers emails from a particular sender to be important. On the other hand, if the user has, in the past, taken a long time to read an email from a particular sender after receipt, this indicates that the user considers emails from a particular sender to be of relatively lower importance. The second Bayes net 1713 is specifically disclosed as relating the delay between notification and

user action 1717 which may be derived from a log of sent and received emails as a function of dates and times. The log is described (*e.g.* in the first full paragraph on page 44) as being maintained by the email assistant tool 5 and may be a log private to the email assistant alone or it may be part of the centrally stored user profile. Thus the time of receipt and the time of reading of a previously received email can be analyzed in order to determine the time between these two actions.

Suffice it to say, there is ample "written description" in the specification as originally filed to fully support the recitations now present in claims 1 and 10.

Accordingly, the new grounds of rejection is believed to be clearly erroneous and withdrawal of same is respectfully requested.

The remaining grounds of rejection all appear to be merely repetitions of earlier asserted grounds of rejection. In the Examiner's "response to arguments" section, it is explained that all of Applicants prior arguments were dismissed summarily as "moot in view of the new grounds of rejection". However, as noted, the only new ground of rejection is clearly erroneous and thus Applicants previously submitted arguments should now be considered and acted upon rather than being dismissed as merely mooted.

In particular, the rejections of claims 1, 2, 4-6, 10 and 17-18 under 35 U.S.C. §102 as allegedly anticipated by Paul '709 is respectfully traversed. Reasons for such traversal have already been presented in the Applicants submission of November 5, 2004.

Similarly, the rejection of claim 3, 7 and 9 under 35 U.S.C. §103 as allegedly being made "obvious" based on the same single Paul '709 reference is also respectfully traversed. Again, reasons for such traversal have already been presented in Applicants submission of November 15, 2004.

It is also noted that in Applicants earlier traversals and remarks, repeated requests were made for substantiation of the "official notice" repeatedly taken as part of the Examiner's base for making these rejections. In accordance with standard MPEP practice, substantiation of such "official notice" is now required. No such substantiation has yet been received and such is respectfully again requested.

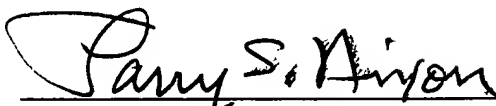
It is appreciatively noted that there is no outstanding ground of rejection based on prior art for claims 19-26. Accordingly, since the sole ground of rejection with respect to these claims 19-26 (*i.e.* under 35 U.S.C. §112, first paragraph) has been shown to be clearly erroneous, it is assumed that these claims contain allowable subject matter.

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Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

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